

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 9, 2006

DIVISION TWO

B185807 Tokio Marine & Fire Insurance Co. (Not for Publication)
 v.
 Megatrux, Inc.

The judgment is affirmed. Respondent (s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B186776 Usher (Not for Publication)
 v.
 California State Polytechnic University

The order of dismissal is reversed and the matter is remanded to the trial court for further proceedings. The parties are to bear their own costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

August 9, 2006 (Continued)

DIVISION TWO (Continued)

B183839 People
 v.
 Quince M.

B185081 People
 v.
 Terry Lavon W.

Filed order consolidating above captioned appeals.

DIVISION FIVE

Court convened at 9:02 am

Present: Turner, P.J., Armstrong, J., Kriegler, J. and C. Adams, Deputy Clerk.

Each of the following:

B184184 People v. Placencia
B191027 Gloria L. v. D.C.F.S.
B189901 D.C.F.S. v. Lakeisha B.
B186108 People v. Calderon
B185927 People v. Arrellano

Argument waived, cause submitted.

B191387 People
 v.
 Darryl Coleman

Merits:

Argued by Richard Fitzer for appellant and by Dawn S. Mortazavi, Deputy Attorney General for respondent. Cause submitted.

August 9, 2006 (Continued)

DIVISION FIVE (Continued)

B184012 Warren Fu
v.
Los Angeles County Metropolitan Transportation Authority

Merits:
Argued by Barbara S. Perry for appellant and by Leo James Terrell for respondent. Cause submitted.

Court adjourned.

B184263 People (Not for Publication)
v.
Lev Carruth

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

B187202 People (Not for Publication)
v.
Edward T. Park

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B187208 In re: Bacent A., et al., (Certified for Partial Publication)

v.

Los Angeles County, D.C.S.

Mohamed A.,

The juvenile court is directed to order entry of a minute order reflecting denial of father's application of rehearing as to Bacent in case No. CK59726. The words "[o]n numerous prior occasions" in the first sentence of count B-2 of the sustained petition in case No. CK59726 and the sustained petition in case No. CK59387 are stricken. As modified, the judgments are affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.

 Mosk, J.

B183920 Accuchex Corporation (Not for Publication)

v.

Paychex, Inc. et al.,

The portion of the judgment dismissing the cause of action for interference with contract and the order granting summary adjudication of the cause of action for interference with contract in favor of Paychex, Golisano, and Turek are reversed. The trial court is directed to enter a new and different order denying the motion for summary adjudication as to the cause of action for interference with contract. In all other respects, the judgment as to Paychex, Golisano, and Turek is affirmed. Acuchex Corporation is awarded its costs on appeal.

Kriegler, J.

We concur: Turner, P.J.

 Mosk, J. (with opinion)

August 9, 2006 (Continued)

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B183628 Metric Construction Co., Inc. v. Allianz Ins. Co.

Argument continued to September, 2006

B182694 Perry v. Bierbaum

Argument waived, cause submitted.

B185421 Randolph
 v.
 Levy

Merits:

Argued by David M. Grokenberger for appellants and by William Tomlinson for respondents. Cause submitted.

B186249 Carlyle
 v.
 Savage

Merits:

Argued by William Carlyle, appellant, appearing in propria persona and argument previously waived by respondents. Cause submitted.

B183181 Green
 v.
 DeVaul

Merits:

Argued by William S. Walter for appellant, by Roy E. Ogden for respondent DeVaul and by Kathryn McKenzie Eppright for respondents Evenson, et al. Cause submitted.

August 9, 2006 (Continued)

DIVISION SIX (Continued)

Yegan, J. left the bench.

B183638 Stockwell
 v.
 Windham

Merits:

Argued by Wilmer Ernest Windham, appellant, in propria persona and for appellant Jeanne Windham and by Lawrence M. Lebowsky for respondents. Cause submitted.

Court recessed at 10:15 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B186308 People v. Thirty Four Thousand Eight Hundred Sixty-Three and No/100
 (DeLuna)

Argument continued to September, 2006.

B191294 Dawn A. v. San Luis Obispo Superior Court (Dept. of Social Services)

Off calendar; dismissed as moot on August 1, 2006.

B190266 Child Welfare Services v. Reena B.

Argument waived; cause submitted.

B190381 Chelsea W. v. San Luis Obispo Superior Court (Dept. of Social Services)

Presentation waived; cause submitted.

DIVISION SIX (Continued)

B187719 Human Services Agency
v.
Irma S.

Merits:

Argument previously waived by appellant and argued by Patricia McCourt, Assistant County Counsel, for respondent. Cause submitted.

B187518 Infogroup, LTD
v.
Core Wealth Management

Merits:

Argued by Arlene Turinchak for appellant and by Gary Hill for respondents. Cause submitted.

B188619 Child Welfare Services
v.
Carlos R. and Lorena W.

Merits:

Argued by William Rogers Gorenfeld for appellant Carlos R. and by Laura Ornelaz, Deputy County Counsel, for respondent. Argument previously waived by appellant Lorena W.

Cause submitted.

B190964 Adianna P.
v.
Santa Barbara Superior Court
(Child Welfare Services, r.p.i.)

Merits:

Argued by Ian Morse for petitioner and by Laura Ornelaz, Deputy County Counsel, for real party in interest. Cause submitted.

August 9, 2006 (Continued)

DIVISION SIX (Continued)

B190068 Child Welfare Services
v.
Robert L. and Amber Y.

Appearances:
Laura Ornelaz, Deputy County Counsel, for respondent. Appellants' counsel failed to appear. Argument waived, cause submitted.

Court adjourned at 2:15 P.M.

B185928 People
v.
Eldred

Filed order denying petition for rehearing.

DIVISION SEVEN

B188457 People (Not for Publication)
v.
Montoya

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B190678 Tripati
v.
County of Los Angeles

Filed order denying petition for rehearing.

August 9, 2006 (Continued)

DIVISION SEVEN (Continued)

B191909 Tripati
v.
County of Los Angeles

Filed order denying petition for rehearing.

DIVISION EIGHT

B185660 Krishnan (Not for Publication)
v.
Specialty Laboratories, Inc., et al.,

The judgments (orders of dismissal) are affirmed. Respondents are to recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B183397 People (Not for Publication)
v.
Arzola

The case is conditionally reversed and remanded to the trial court. The trial court shall conduct an in-camera review of the documents in Curiel's personnel file. If there is discoverable evidence and Arzola can show prejudice, the conviction shall be deemed reversed and the trial court shall order a new trial. If there is no discoverable evidence or if Arzola cannot establish prejudice, the court should reinstate its judgment of conviction as modified by this court to reflect 489 days of custody credits. In this circumstance, the court shall amend the abstract of judgment and send it to the appropriate prison authority.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

August 9, 2006 (Continued)

DIVISION EIGHT (Continued)

B181581 People (Not for Publication)

V.

Summer M.,

In re Summer M., a Person Coming Under the Juvenile Court Law.

The case is remanded to the juvenile court. The juvenile court is directed to enter an order declaring Summer a ward of the court and sustaining the petition for petty theft. The court shall recalculate Summer's theoretical maximum period of confinement. In all other respects, the court's wardship order is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Flier, J.

B183576 People

V.

Maria

Filed order vacating submission order of July 28, 2006. Re-calendared for oral argument.